

The bill was read second time and ordered engrossed.
On motion of Senator Tendick, the rules were further suspended, the bill read third time and passed.
On motion of Senator Flanagan, the Senate adjourned till 9 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, May 24, 1873. }

Senate met pursuant to adjournment. Roll called :
quorum present.

Absent—Senators Broughton, Dillard, Flanagan, Saylor and Tracy.

Prayer by the Rev. J. L. Riggs.

On motion of Senator Fountain, the reading of the journal of yesterday was dispensed with.

Journal corrected.

Senator Shelley, chairman of the Committee on Constitutional Amendments, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Constitutional Amendments, to whom was committed the Senate joint resolution proposing an amendment to the twelfth article of the State Constitution, by striking out of said article the forty-sixth section thereof, have considered the same, and instruct me to report the accompanying substitute therefor, and to recommend its adoption and passage,

N. G. SHELLEY, Chairman.

Senator Flanagan was granted leave of absence for one week from to-day.

Senator Sayers was granted leave of absence for the evening.

Senator Ford submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your special committee, to whom was referred the veto message on House bill No. 794, entitled "An act to amend section seven of an act entitled an act to incorporate the city of Waco, approved April 26, 1871," after carefully considering the original act incorporating the city of Waco, find that clause thirty-eight of section seven of said act is exactly the same as the thirty-eighth clause of the bill amending section seven of that act to

which the Governor objects. Your committee find that to sustain the veto will leave the same clause in the original act of incorporation, and to pass it over the veto only retains it in the act of incorporation. Your committee, finding that the passage of the bill over the veto will not change the act of incorporation in that respect, recommend its passage.

S. W. FORD, Chairman.

On motion of Senator Fountain, the consideration of the bill and veto message was postponed until 12 o'clock M. next Monday.

Senator Swift introduced a bill to be entitled "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor." The bill was read first time and referred to a select committee of three, viz.: Senators Swift, Word and Henry.

Senator Henry introduced a joint resolution authorizing the accountants employed by the joint committee appointed by the Legislature to investigate the Treasury and Comptroller's Office of this State, to write up and properly balance and adjust the books of the late Treasurer, George W. Honey, to the twenty-seventh of May, 1872, and to perform other duties herein specified; also, prescribing the duties of the Comptroller therewith. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Senator Henry, the rules were further suspended, the resolution read third time and passed.

On motion of Senator Pyle, the rules were suspended to take up House bill No. 775, "An act amendatory of and supplemental to an act entitled an act to incorporate the Texas Timber and Prairie Railroad Company, approved August 15, 1870." The bill was read first time; rules suspended, read second time and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended, the bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Sayers, Swift, Tendick and Tracy—21.

Nay—Senator Word—1.

Not voting—Senators Broughton, Dillard, Evans, Ford, Gaines, Ruby, Shelley and Mr. President.

On motion of Senator Swift, the rules were suspended to take up House bill No. 867, "An act to levy a special tax in the county of Angelina for the purpose of building a court house and jail."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Henry, King, Latimer, Rawson, Saylor, Shelley, Swift, Tendick, Tracy, and Word—20.

Not voting—Senators Baker, Broughton, Ford, Gaines, Hall, Pyle, Randle, Ruby, Sayers and Mr. President.

On motion of Senator Finlay, the rules were suspended to take up House bill No. 599, "An act to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Hall, King, Rawson, Randle, Saylor, Shelley, Swift, Tendick, Tracy and Word—20.

Not voting—Senators Baker, Broughton, Ford, Gaines, Henry, Latimer, Pyle, Sayers and Mr. President.

On motion of Senator Tendick, the rules were suspended to take up House bill No. 874, "An act to authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

The bill was read second time and passed to a third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Fountain, Franks, Hall, King, Latimer, Pyle, Rawson, Saylor, Shelley, Tendick, Tracy and Word—20.

Nay—Senator Randle—1.

Not voting—Senators Baker, Broughton, Ford, Gaines, Henry, Ruby, Sayers, Swift and Mr. President.

On motion of Senator Evans, the rules were suspended to take up House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company and to aid in the construction thereof."

The bill was read second time and passed to a third reading; rules further suspended, bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Ford, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Shelley, Tendick, Tracy and Word—20.

Nay—Senator Randle—1.

Not voting—Senators Baker, Broughton, Finlay, Gaines, Ruby, Saylor, Sayers, Swift and Mr. President.

On motion of Senator Ball, the rules were suspended to take up Senate bill No. 244, "An act to incorporate the Austin and Pacific Short Line Railroad Company."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Shelley, Tendick, Tracy and Word—22.

Not voting—Senators Baker, Broughton, Gaines, Ruby, Saylor, Sayers, Swift and Mr. President.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 896, entitled "An act to regulate the fees of office," ask leave to report the same back to your honorable body and recommend its passage with the accompanying amendments.

JOHN L. HENRY, Chairman.

Amend section two, line two, by striking out the words "seventy-five," and inserting the word "fifty."

Same section, line six, strike out the word "twenty," and insert the word "fifteen."

Same section, line eight, strike out "twenty," and insert "ten."

Same section, line nine, strike out "twenty," and insert "fifteen."

Same section, line eleven, strike out the words "one dollar," and insert the words "fifty cents."

Same section, line twenty-seven, strike out the word "twenty," and insert "fifteen."

Same section, line forty-six, strike out "twenty," and insert "fifteen."

Same section, line fifty-seven, strike out the words "one dollar," and insert the words "seventy-five cents."

Same section, line fifty-nine, strike out "twenty," and insert "ten."

Same section, line sixty-two, strike out "twenty," and insert "fifteen."

Same section, line seventy-seven, strike out "twenty," and insert "fifteen."

Same section, line seventy-nine, strike out "twenty," and insert "fifteen."

Same section, line ninety-three, strike out the words "two dollars," and insert the words "one dollar."

Section three, line sixty-five, amend by striking out the words "two hundred dollars," and inserting the words "one hundred dollars."

Same section, line seventy-two, strike out all after the word "writ" down to the end of the section, and insert the following: "against the same person, he shall be allowed mileage only on one writ, and in no case shall the sheriff be allowed mileage beyond the limits of his own county, except in cases of the conveyance of prisoners to prison, as above."

Section four, line ten, insert after the word "mileage," the words "not to exceed two and a half cents per mile."

Section five, line eight, strike out "twenty," and insert "ten."

Same section, line twenty-three, strike out "twenty," and insert "fifteen."

Same section, line thirty-one, strike out "twenty," and insert "fifteen."

Same section, line thirty-four, strike out "twenty," and insert "fifteen."

Same section, line thirty-eight, strike out "twenty," and insert "fifteen."

Section ten, line six, amend by striking out all after the figures "1866," down to and including the figures "1871," in line eleven.

On motion of Senator Sayers the bill and report just read were made special order for Tuesday next at 4 o'clock P. M., and one hundred copies ordered printed.

Senator Fountain in the chair.

House bill No. 927, "An act to provide for the safe keeping and protection of the State House, or so much thereof as may include the public hall, committee rooms

of the capitol and furniture belonging to the Legislature and State library," was taken up, read first time and referred to Committee on Public Buildings."

House bill No. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company," was taken up and read first time.

Senator Henry introduced a bill entitled "An act to repeal article three of Penal Code." Read first time and referred to Judiciary Committee No. 1.

Also a bill entitled "An act to amend article three hundred and ninety-two of the Criminal Code." Read first time and referred to Judiciary Committee No. 1.

The hour having arrived, the special order, viz., Senate bill No. 135, in relation to paupers and minor offenders, and to establish county farms for manual labor, poor houses, and houses of correction, with report of a special committee recommending amendments, was taken up.

On motion of Senator Shelley, the amendments of the committee were taken up *seriatim* and adopted.

Senator Rawson proposed to amend the caption as follows: "An act regulating minor offenders and to establish houses of correction for same, and manual labor houses for the poor inhabitants of the State of Texas." Lost, and bill passed to engrossment.

Rule suspended, bill read third time.

Senator Dohoney offered the following amendment: Amend section twenty-three by adding, "And all persons convicted of misdemeanor and punished by confinement in the county jail, or who have been committed to jail, in default of payment of any fine, shall have the right, on application to the sheriff, to be transferred from the jail to the county farm, and assigned to manual labor on said farm, or upon any of the public roads, or upon any of the public buildings of the county, at the rate of one dollar per day for each dollar of the fine, or one day's labor for each day of imprisonment, until such penalty of fine or imprisonment shall have been discharged at the rate aforesaid. And upon the furnishing to the sheriff of the certificate of the officer in charge that such convict has faithfully performed the required labor in discharge of penalty, the sheriff shall discharge such party and make due return according to law. But if any such convict should fail to perform faithful labor or attempt to escape, the sheriff shall take such con-

vict into custody, and place him or her in the county jail until the penalty is discharged according to law." Adopted.

A message was received from the House informing the Senate that the House had passed House bill No. 759, "An act to authorize and require the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State."

Also, that the House had passed Senate joint resolution No. 43, "Joint resolution authorizing the accountants employed by the joint committee of the Legislature to investigate the Comptroller's and Treasurer's offices to write up and properly balance the books of the late Treasurer, George W. Honey, to twenty-seventh of May, 1872, and to perform other duties herein specified; also prescribing the duties of the Comptroller in connection therewith."

The following communication was received from the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 24, 1873. }

To the Honorable Senate of the State of Texas:

GENTLEMEN: I would respectfully ask the advice and consent of your honorable body to the appointment of John C. Easton as Judge of the Eighth Judicial District.

Very respectfully,

EDMUND J. DAVIS, Governor.

The following bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 926, "An act supplementary to and amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, passed August 13, 1870." Referred to Judiciary Committee No. 1.

House bill No. 326, "An act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of Mount Calm Masonic Institute." Referred to Committee on Education.

House bill No. 929, "An act to provide for the recording of writ of error and appeal bonds, and to give them the force and effect of judgment liens." Referred to Judiciary Committee No. 1.

House bill No. 931, "An act supplemental to an act

entitled an act to amend the twenty-second section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State, approved February 6, 1871." Referred to Judiciary Committee No. 2.

House bill No. 412, "An act for the relief of G. W. Patterson and son." Referred to Judiciary Committee No. 2.

House joint resolution No. 350, "Joint resolution concerning surveyors' records of Liberty, Hill and Montague counties." Referred to Committee on State Affairs.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 936, "An act to amend article seven hundred and two of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856."

House bill No. 937, "An act supplemental and amendatory of an act to provide for prompt settlement of accounts by sheriffs with the State and counties, approved April 28, 1873."

House bill No. 936, "An act providing for an election of officers for the town of Cameron."

House bill No. 941, "An act to appropriate five hundred and three dollars to pay second class certificate No. 2886 of the public debt of the Republic of Texas, issued to John R. Cunningham, September 1, 1851."

Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease."

House bill No. 778, "An act to regulate the fees to be charged by the Commissioner of the General Land Office."

House bill No. 942, "An act to prohibit the sale or disposal of intoxicating liquors within three miles of Pecan Grove Male and Female School, in Hill County."

House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named."

House bill No. 890, "An act granting the right of way to the United States of America for the construction of a coastwise canal along the coast of Texas through the inland waters and main lands thereof."

House bill No. 905, "An act to incorporate the Greenville, Bonham and Oklahoma Railroad Company."

Senate bill No. 336, "An act to provide for the printing of the general laws of this State in the German and Spanish languages."

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following bills, viz.:

Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease."

Senate bill No. 369, "An act to ascertain the amounts due the teachers of the public free schools of this State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

And find the same correctly engrossed.

HENRY C. KING, Chairman.

Senator Latimer, chairman of Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills this day at 9:30 o'clock A. M., presented to his Excellency the Governor, for his signature and approval, Senate bill No. 30, "An act to incorporate the Sherman, Wichita and Pan Handle Railway, and to grant land to aid in the construction thereof."

H. R. LATIMER, Chairman.

By leave, Senator Pyle introduced a bill to be entitled "An act to create and define the boundaries of Montague land district." Read first time and referred to Committee on Counties and County Boundaries.

On motion of Senator Cole, the rules were suspended to take up House bill No. 881, "An act for the relief of the heirs of Migginson Loving, deceased."

The bill was read second time and passed to a third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, King, Latimer, Pyle, Rawson, Saylor, Shelley, Swift, Tendick, Tracy and Word—20.

Not voting—Senators Baker, Ball, Broughton, Gaines, Hall, Henry, Randle, Ruby, Sayers and Mr. President.

On motion of Senator Ford, the rules were suspended to take up House bill No. 902, "An act to amend section one of an act entitled an act to amend the thirty-fourth and thirty-sixth sections of an act entitled an act to prescribe the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870, approved February 6, 1871."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed.

On motion of Senator Dohoney, the rules were suspended to take up Senate bill No. 104, "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas."

Senator Tendick moved to postpone the consideration of the bill until Friday next.

The hour having arrived for the consideration of the special order, viz., the general appropriation bill, Senator Dohoney moved to postpone the bill until the pending business was disposed of. Lost.

On motion of Senator Dohoney, the Senate went into executive session.

In the Senate.

On motion of Senator Franks, the secretary of the Senate was instructed to inform his Excellency the Governor that the Senate advises and consents to the appointment of John C. Easton as Judge of the Eighth Judicial District.

And that the Senate advises and consents to the following appointments as notaries public, viz.:

R. D. McClellan, Fayette county.

John Collier, Denton county.

J. R. Cross, Hopkins county.

O. D. Moulton, Hunt county.

E. Collier, Lamar county.

B. P. Patrick, Leon county.

Thomas Arenburn, Leon county.

W. R. Ellis, Leon county.

John Durst, Leon county.

Pruno Durst, Leon county.

Wm. Shannon, Harris county.

T. H. Conklin, Harris county.

And that the Senate does not advise and consent to the appointment of S. T. Slade as notary public of El Paso county.

On motion of Senator Franks, the special order, viz., the general appropriation bill, was postponed until 10 o'clock next Monday, and made special order for that hour, and from day to day until disposed of.

Senator Shelley, chairman of the joint committee of conference, submitted the following report, which was adopted.

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS: Your committee of conference, to whom was referred the matters of difference between the two houses on House bill No. 721, a bill to be entitled "An act for the regulation and assessment and collection of taxes," have carefully considered the same, and we are instructed to make the following report :

Your committee unanimously recommend that the House concur in the Senate amendment to section two, and a majority of the committee recommend that the House concur in the Senate substitute for section four ; that the House concur in Senate amendment to section five. And your committee recommend that section five be further amended by inserting the word "real" before the word "property," in first line ; also strike out all after the word "situate" in third line.

Your committee further recommend as a substitute for Senate amendment to section seven, the following: Amend section seven by striking out the words "in this county," and insert the words "liable to assessment in this precinct."

That the House concur in Senate amendment to section nine.

That Senate recede from its amendment to section ten.

That the House concur in Senate amendment to section fifteen.

That the Senate recede from its amendment to section twenty-one.

That the House concur in the Senate amendment to section twenty-three.

That the House concur in Senate amendment to section twenty-four.

That the House concur in the Senate amendment to section twenty-seven.

That the Senate recede from its amendment to section twenty-nine.

That the House concur in the Senate amendment to section thirty.

Your committee recommend as a substitute for Senate amendment to section thirty-two, the following, to-wit: Amend section thirty-two by striking out the words "and all property exhibited by said sureties," in lines seventy-six and seventy-seven, printed bill.

Your committee further recommend the addition to the bill of the following section: SEC. . . That it shall be the duty of the several justices of the peace in this State, under the provisions of this act or any law of this State in force at the time, under the instructions of the Comptroller, on or before the first day of January, A. D. 1874, to make a supplemental assessment of all property not rendered for taxation under the assessment for the present year, in their respective precincts, or properly assessable in the same, and there shall be taken up on the rolls all un-rendered lands, stating the owners of same if known, if not known such fact shall be stated, all of which property not rendered by the party with the assessed value shall be returned to the Comptroller on or before the first day of January, A. D. 1874. When so returned, if any of said property shall appear to be rendered and assessed in any other county, such property shall be checked off of said roll.

It is hereby made the duty of the Comptroller to furnish the justices of the peace in due time with the proper blank forms for all assessment rolls, and to furnish the several sheriffs of this State with a sufficient number of blank tax receipts. For each abstract forwarded under this act to another county the justice of the peace forwarding same shall be entitled to a fee of forty cents; and for each of said abstracts received, assessment made and returned, the justice so doing shall be entitled to a fee of forty cents. These fees shall be added to the tax, and paid by the person against whom the tax is assessed, and such fees shall be paid by the State, and the certificate of the justice to whom they may be due, and the sheriff of his county, that the same are correct, shall be sufficient authority for the Comptroller to draw his warrant on the State Treasury for the amount in favor of the interested party.

N. G. SHELLEY,

Chairman Senate Committee.

J. RUSSELL,

Chairman House Committee.

On motion of Senator Shelley, House bill No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer and receive State bonds for the same," was taken up, made special order for Monday next at 9:30 A. M., and one hundred copies ordered printed.

On motion of Senator Tracy, House bill No. 712, "An act granting lands to the International Railroad," was taken up and made special order for next Monday at 12 o'clock M.

The following communication was taken from the President's desk and read:

AUSTIN, May 24, 1873.

Hon. E. B. Pickett, President of the Senate of the State of Texas:

DEAR SIR: Permit me to tender through you to the Senate my most profound gratitude for the passage of the very kind resolution asking me to name a time that I would address you and the public generally. I very much regret I shall have to forego the great pleasure that it would afford me to do as requested, but my previous engagements are such that I cannot well control, and must leave the city this evening.

Mr. President, let me say to you, and through you to the Senate, and those that you so ably represent, that our noble State has gone through many trying ordeals, and she has always triumphed, and with the blessing of universal freedom—yes, we, the people—she will continue to rise above all assaults, from whatever source, prejudicial to her prosperity, and I am to-day more earnestly impressed with the belief that our State stands proudly in advance, all things considered—her mighty area, her delightful climate, with unsurpassed soil, her railroads—now inviting and enjoying the largest immigration known to the proud but not vain great American nation. We are, if we could properly appreciate our true condition, a prosperous and happy people, and our grand future can scarcely be comprehended.

Wishing you and those you represent a long and full measure of happiness,

I remain most truly yours,

J. W. FLANAGAN.

Senator Franks moved to reconsider the vote by which the Senate passed a bill allowing the lessees of the peni-

tentiary to defer the payment of certain money to become due.

On motion of Senator Fountain the Senate adjourned to 9 o'clock A. M. next Monday.

SENATE CHAMBER,
AUSTIN, TEXAS, May 26, 1873.

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Gaines, the reading of the journal of Saturday was dispensed with.

On motion of Senator Swift, House bill No. 914, "An act authorizing and requiring the issuance of certificates to certain persons therein named," was referred to a select committee, viz., Senators Swift, Avinger and Cole.

Senator Finlay reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your select committee on House bill No. 234, to be entitled "An act to encourage stock raising, and for the protection of stock raisers," have considered the same, and I am instructed to report it back and recommend its passage, with the accompanying amendments.

GEO. P. FINLAY, Chairman.

Amend by substituting section one by the following substitute:

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That each organized county of this State is hereby created an inspection district for the inspection of hides and animals, and that an inspector of hides and animals shall be elected in each inspection district at the next general election of county officers, and every two years thereafter; *provided*, that until the next general election, the sheriffs of the counties having no qualified inspectors shall be *ex officio* the inspectors of hides and animals of their respective counties, until the next general election.

Amend by making section thirty read section forty-four, and by making section thirty-one read section forty-five.

Amend by inserting the following sections, from thirty to forty-three, inclusive, to-wit: